

SENATE BILL 389

Unofficial Copy
P1

1997 Regular Session
(7lr1926)

ENROLLED BILL
-- EEA and B&T/ENV --

Introduced by **The President (Administration)** and Senators Blount, Collins, Conway,
Frosh, Hollinger, Pinsky, and Sfikas

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **"Smart Growth" and Neighborhood Conservation - "Smart Growth" Areas**

3 FOR the purpose of enhancing the Economic Growth, Resource Protection, and Planning
4 Act of 1992 by setting priorities for certain State spending so as to preserve existing
5 neighborhoods and agricultural, natural, and rural resources; establishing priority
6 funding areas in the State; providing that certain State agencies may not approve
7 certain projects which are not in priority funding areas after a certain date;
8 providing for certain exceptions; authorizing the Board of Public Works to grant
9 exceptions under certain circumstances; ~~requiring the Maryland Office of Planning~~
10 ~~to establish a collaborative process with local governments for the determination of~~
11 ~~priority funding areas; defining certain terms~~ establishing a certain certification
12 process for the designation of priority funding areas before those areas may be
13 eligible for certain funding; requiring the Maryland Office of Planning to establish
14 a certain process for the review of certain projects and to complete a certain survey
15 and list by a certain date; defining certain terms; requiring that priority funding areas
16 maps and descriptions be updated periodically; requiring municipal corporations to
17 assist counties in the collection of certain fees to finance certain school

~~construction; requiring municipal corporations to adopt certain development standards under certain circumstances;~~ providing that a decision to fund or not to fund a project is not subject to certain administrative actions; ~~requiring the Governor to convene a certain task force for certain purposes; requiring the task force to submit a certain report by a certain date;~~ providing that this Act does not create a private cause of action; providing that this Act shall not apply to certain projects; and generally relating to "smart growth" and the establishment of priority funding areas.

BY repealing and reenacting, with amendments,

Article 23A - Corporations - Municipal
Section 8C
Annotated Code of Maryland
(1996 Replacement Volume)

BY repealing and reenacting, without amendments,

Article - Transportation
Section 2-103.1(a)(4) and (5) and 8-610(g) and (h)
Annotated Code of Maryland
(1993 Replacement Volume and 1996 Supplement)

BY adding to

Article - State Finance and Procurement
Section 5-7B-01 through 5-7B-08 5-7B-10, inclusive, to be under the new subtitle "Subtitle 7B. Priority Funding Areas"; and 7-314(o)
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)

Preamble

WHEREAS, The General Assembly enacted the Economic Growth, Resource Protection, and Planning Act of 1992 (the 1992 Act) which established the State Economic Growth, Resource Protection, and Planning Policy (the State Policy); and

WHEREAS, The State Policy provides that "development shall be concentrated in suitable areas" and that "in rural areas, growth shall be directed to existing population centers and resource areas shall be protected"; and

WHEREAS, Investment in the revitalization of older neighborhoods, and encouraging quality growth and development through funding programs, will reduce the outward pressure for sprawl and leapfrogging; and

WHEREAS, If current patterns of development continue unchanged, Maryland will lose over 500,000 acres of farms and open spaces, will have abandoned many existing and historic neighborhoods, and will spend millions of taxpayer dollars building costly new infrastructure; and

WHEREAS, The 1992 Act is based on the recognition that State spending plays a significant role in guiding growth and facilitating development; and

1 WHEREAS, The 1992 Act was an important first step in directing State spending
2 in a way that furthers the State Policy in that it requires certain projects funded through
3 State or federal funds to be consistent with the local plans of the jurisdictions in which the
4 projects are located; and

5 WHEREAS, County governments have demonstrated a commitment to
6 implementing the Economic Growth, Resource Protection and Planning Act of 1992; and

7 WHEREAS, Compliance While compliance with the 1992 Act by the counties is a
8 major step forward in implementing changes to preserve Maryland's farms and open
9 spaces, revitalize our existing neighborhoods, and using use taxpayer dollars in the cost
10 efficient and effective manner, the State must also play a significant role in achieving
11 these goals; and

12 WHEREAS, Targeted funding by the State of certain projects that serve to foster or
13 influence growth in those areas most suitable for growth or that meet other statewide
14 goals will serve to build on and complement the Act and will accelerate the preservation
15 of our open spaces and existing neighborhoods; and

16 WHEREAS, Rural villages and communities are an integral part of the character of
17 Maryland and the State is committed to continuing to sustain rural villages and
18 communities; and

19 WHEREAS, In order to effectuate the State Policy adopted by the General
20 Assembly in 1992, the State needs to build on the 1992 Act by focusing spending in those
21 areas, including those parts of locally designated growth areas, that constitute the most
22 efficient and effective use of the taxpayer dollars and which will serve to best preserve
23 existing neighborhoods and Maryland's fields, farms, and open spaces; now, therefore,

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article 23A - Corporations - Municipal**

27 8C.

28 (A) The mayor and city council, by whatever name known, of every municipal
29 corporation in this State is authorized and empowered to lend or provide, upon such
30 terms as may be agreed upon, the use of tools, vehicles, implements, materials,
31 consultants, services, and other assistance to another political subdivision for purposes
32 deemed to be public and of benefit to the municipal corporation and the other political
33 subdivision.

34 (B) (1) IF A COUNTY PROVIDES FOR THE LEVY AND COLLECTION OF A
35 DEVELOPMENT IMPACT FEE ON NEW RESIDENTIAL CONSTRUCTION TO FINANCE
36 THE COSTS OF SCHOOL CONSTRUCTION, A MUNICIPAL CORPORATION SHALL ASSIST
37 THE COUNTY IN THE COLLECTION OF THE FEE FOR NEW RESIDENTIAL
38 CONSTRUCTION WITHIN THE MUNICIPAL CORPORATION BY:

39 (I) COLLECTING AND REMITTING THE FEE TO THE COUNTY; OR

1 (II) REQUIRING THE FEE TO BE PAID TO THE COUNTY BEFORE
 2 ISSUING AN APPLICABLE BUILDING PERMIT FOR NEW CONSTRUCTION; OR

3 (III) OTHER REASONABLE MEANS PROVIDED FOR BY THE
 4 MUNICIPAL CORPORATION: IN ACCORDANCE WITH THE COUNTY DEVELOPMENT
 5 IMPACT FEE LAW OR ORDINANCE.

6 (2) THE APPLICATION OF ANY IMPACT FEES PAID UNDER PARAGRAPH (1)
 7 OF THIS SUBSECTION SHALL HAVE A RATIONAL NEXUS TO THE PROJECT FOR WHICH
 8 THE FEES ARE ASSESSED.

9 (2) (3) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE
 10 CONSTRUED TO AFFECT ANY EXISTING AGREEMENTS BETWEEN A COUNTY AND
 11 MUNICIPALITY MUNICIPAL CORPORATION CONCERNING THE LEVYING AND
 12 COLLECTION OF DEVELOPMENT IMPACT FEES.

13 **Article - Transportation**

14 2-103.1.

15 (a) (4) "Major capital project" means any new, expanded, or significantly
 16 improved facility or service that involves planning, environmental studies, design,
 17 right-of-way, construction, or purchase of essential equipment related to the facility or
 18 service.

19 (5) "Minor capital project" means any project for the preservation or
 20 rehabilitation of an existing facility or service, including the planning, design,
 21 right-of-way, construction, or purchase of equipment essential to the facility or service,
 22 and generally not requiring the preparation of an environmental impact assessment.

23 8-610.

24 (g) "Project planning phase" means the phase in which engineering and
 25 environmental studies and analyses are conducted with full participation of the public, in
 26 addition to local, State, and federal agencies, to determine the scope and location of a
 27 proposed highway project.

28 (h) "Initial project planning phase" means that portion of the project planning
 29 phase which includes:

30 (1) Notification of local, State, and federal officials;

31 (2) Initial interagency review;

32 (3) Initial systems planning;

33 (4) Identification of alternatives, as set forth in § 8-102 of this article, for
 34 the scope and the location of the project;

35 (5) Estimates of right-of-way requirements, including available detail with
 36 respect to specific properties affected, and of cost;

37 (6) Public meetings for discussion of the foregoing; and

1 (7) Reports of consultants, if any have been retained for the analysis of
2 preliminary alternatives.

3 **Article - State Finance and Procurement**

4 SUBTITLE 7B. PRIORITY FUNDING AREAS.

5 5-7B-01.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "DESIGNATED *LOCALLY DESIGNATED* GROWTH AREA" MEANS AN AREA
9 DETERMINED BY THE COUNTY TO BE SUITABLE FOR DEVELOPMENT IN
10 COMPLIANCE WITH ARTICLE 66B, § 3.05 OF THE CODE.

11 ~~(B)~~ (C) "FUNDING" INCLUDES ANY FORM OF ASSURANCE, GUARANTEE,
12 GRANT PAYMENT, CREDIT, TAX CREDIT, OR OTHER ASSISTANCE, INCLUDING A
13 LOAN, LOAN GUARANTEE, OR REDUCTION IN THE PRINCIPAL OBLIGATION OF, OR
14 RATE OF INTEREST PAYABLE ON, A LOAN OR A PORTION OF A LOAN.

15 ~~(C)~~ (D) (1) "PROJECT" "GROWTH-RELATED PROJECT" MEANS ONLY THE
16 ITEMS SET FORTH BELOW:

17 (I) ANY MAJOR CAPITAL PROJECT AS DEFINED IN § 2-103.1(A)(4) OF
18 THE TRANSPORTATION ARTICLE, EXCEPT EXISTING TRANSPORTATION FACILITIES
19 PROJECTS AS DEFINED IN § 4-101(I) OF THE TRANSPORTATION ARTICLE, PROJECT
20 PLANNING AS DEFINED IN § 8-610(G) OF THE TRANSPORTATION ARTICLE, OR INITIAL
21 PROJECT PLANNING AS DEFINED IN § 8-610(H) OF THE TRANSPORTATION ARTICLE;

22 (II) FUNDING BY THE DEPARTMENT OF HOUSING AND
23 COMMUNITY DEVELOPMENT FOR:

24 1. CONSTRUCTION OR PURCHASE OF NEWLY CONSTRUCTED
25 SINGLE FAMILY HOMES OR PURCHASE OF LOANS FOR NEWLY CONSTRUCTED
26 SINGLE FAMILY HOMES UNDER ARTICLE 83B, §§ 2-201 THROUGH 2-208, §§ 2-601
27 THROUGH 2-614, OR §§ 2-1001 THROUGH 2-1007 OF THE CODE;

28 2. ACQUISITION OR CONSTRUCTION OF NEWLY
29 CONSTRUCTED MULTIFAMILY RENTAL HOUSING UNDER ARTICLE 83B, §§ 2-201
30 THROUGH 2-208, §§ 2-501 THROUGH 2-510, OR §§ 2-801 THROUGH 2-810 OF THE CODE;
31 OR

32 3. STATE-FUNDED NEIGHBORHOOD REVITALIZATION
33 PROJECTS UNDER ARTICLE 83B, TITLE 4 OF THE CODE;

34 (III) FUNDING BY THE DEPARTMENT OF BUSINESS AND ECONOMIC
35 DEVELOPMENT UNDER ANY OF THE FOLLOWING:

36 1. THE MARYLAND INDUSTRIAL LAND ACT, AUTHORIZED
37 UNDER ARTICLE 83A, TITLE 5, SUBTITLE 7 OF THE CODE;

THE MARYLAND INDUSTRIAL AND COMMERCIAL
REDEVELOPMENT FUND, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 8 OF
THE CODE;

THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING
AUTHORITY, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 9 OF THE CODE;

6 4. THE MARYLAND SMALL BUSINESS DEVELOPMENT
7 FINANCING AUTHORITY, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 10
8 OF THE CODE;

9 5. THE MARYLAND ENERGY FINANCING ACT, AUTHORIZED
10 UNDER ARTICLE 83A, TITLE 6, SUBTITLE 4 OF THE CODE; AND

11 6. THE ECONOMIC DEVELOPMENT OPPORTUNITIES
12 PROGRAM FUND, AUTHORIZED UNDER § 7-314 OF THE STATE FINANCE AND
13 PROCUREMENT ARTICLE; ~~AND~~

14 (IV) FUNDING BY THE DEPARTMENT OF THE ENVIRONMENT, FOR
15 ANY PROJECT UNDER:

16 1. §§ 9-1601 THROUGH 9-1605 (WATER QUALITY REVOLVING
17 LOAN FUND) OF THE ENVIRONMENT ARTICLE EXCEPT FOR FUNDING NONPOINT
18 SOURCE POLLUTION MITIGATION PROJECTS;

19 2. §§ 9-420 THROUGH 9-426 (WATER SUPPLY FINANCIAL
20 ASSISTANCE PROGRAM) OF THE ENVIRONMENT ARTICLE; AND

21 3. THE FOLLOWING PROGRAMS AUTHORIZED UNDER TITLE
22 9, SUBTITLE 3, PART VI OF THE ENVIRONMENT ARTICLE:

23 A. BIOLOGICAL NUTRIENT REMOVAL; AND

24 B. THE SUPPLEMENTAL ASSISTANCE PROGRAM;

25 C. THE STORMWATER CONTROL COST-SHARE PROGRAM;
26 ~~AND~~

27 D: SMALL CREEKS AND ESTUARIES RESTORATION:
28 PROGRAM AUTHORIZED UNDER TITLE 9, SUBTITLE 3, PART VI OF THE ENVIRONMENT
29 ARTICLE; AND

30 (V) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
31 PROCUREMENT OR FUNDING OF PROJECTS BY THE DEPARTMENT OF GENERAL
32 SERVICES FOR:

33 1. LEASES OF PROPERTY BY THE STATE GOVERNED BY §§
34 4-318 THROUGH 4-321 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

2. PUBLIC IMPROVEMENTS GOVERNED BY §§ 4-410 AND
4-410.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

37 3. LAND ACQUISITION GOVERNED BY §§ 4-411 THROUGH
38 4-416 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) "GROWTH-RELATED PROJECT" DOES NOT INCLUDE:

(I) PROJECTS BY THE DEPARTMENT OF GENERAL SERVICES FOR MAINTENANCE, REPAIR, ADDITIONS, OR RENOVATIONS TO EXISTING FACILITIES, ACQUISITION OF LAND FOR TELECOMMUNICATIONS TOWERS, PARKS, CONSERVATION AND OPEN SPACE, AND ACQUISITION OF AGRICULTURAL, CONSERVATION, AND HISTORIC EASEMENTS;

(2) ~~"PROJECT"~~ DOES NOT INCLUDE (II) FUNDING BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR ANY PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS ISSUED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IF:

(F) 1. THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT DETERMINES THAT APPLICATION OF THIS SECTION:

1. A. CONFLICTS WITH ANY PROVISION OF FEDERAL OR STATE LAW APPLICABLE TO THE ISSUANCE OR TAX-EXEMPT STATUS OF THE BONDS;

2. B. CONFLICTS WITH ANY PROVISION OF ANY TRUST AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT ADMINISTRATION AND ANY TRUSTEE; OR

3. C. WOULD OTHERWISE PROHIBIT FINANCING OF AN EXISTING PROJECT, OR FINANCING PROVIDED TO CURE OR PREVENT ANY DEFAULT UNDER EXISTING FINANCING; OR

(H) 2. THE REVENUE BONDS ARE ISSUED UNDER A TRANSFER OF THE MARYLAND STATE CEILING TO THE ADMINISTRATION BY A COUNTY UNDER TITLE 13, SUBTITLE 8 OF THE FINANCIAL INSTITUTIONS ~~ARTICLE:~~ ARTICLE; OR

(III) ANY OTHER PROJECT, FUNDING, OR OTHER STATE ASSISTANCE NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) "LIMITED PERIPHERAL DEVELOPMENT" MEANS DEVELOPMENT THAT IS CONTIGUOUS TO AN EXISTING COMMUNITY AND DOES NOT INCREASE THE SIZE OF THE EXISTING COMMUNITY OR VILLAGE BY MORE THAN 10% OF THE EXISTING NUMBER OF DWELLING UNITS.

(F) (F) "RURAL VILLAGE" MEANS A RURAL VILLAGE, VILLAGE CENTER, OR OTHER UNINCORPORATED AREA THAT IS PRIMARILY RESIDENTIAL, INCLUDING AN AREA WITH HISTORIC QUALITIES, THAT IS LOCATED IN AN OTHERWISE RURAL OR AGRICULTURAL AREA AND FOR WHICH NEW GROWTH, IF ANY, WOULD DERIVE PRIMARILY FROM IN-FILL DEVELOPMENT OR LIMITED PERIPHERAL EXPANSION.

(D) (F) (G) "TECHNICAL ASSISTANCE" MEANS THE PROVISION OF ADVICE, CONSULTATION, TRAINING, INFORMATION, OR DESIGN, OR ARCHITECTURAL, ORGANIZATIONAL, OR MANAGEMENT ASSISTANCE.

5-7B-02.

THE FOLLOWING AREAS SHALL BE CONSIDERED STATE PRIORITY FUNDING AREAS UNDER THIS SUBTITLE:

1 (1) A MUNICIPAL CORPORATION, INCLUDING BALTIMORE CITY,
2 ~~PROVIDED THAT ALL EXCEPT THOSE AREAS ANNEXED BY A MUNICIPALITY~~
3 ~~MUNICIPAL CORPORATION~~ AFTER JANUARY 1, 1997 SHALL SATISFY THE PROVISIONS
4 ~~OF ITEM (8) OF THIS SECTION; REQUIREMENTS RELATING TO DENSITY AND SERVICE~~
5 ~~BY WATER AND SEWER SET FORTH IN § 5-7B-03 OF THIS SUBTITLE;~~

6 (2) A DESIGNATED NEIGHBORHOOD, AS DEFINED IN ARTICLE 83B, §
7 4-202 OF THE CODE;

8 (3) AN ENTERPRISE ZONE AS DESIGNATED UNDER ARTICLE 83A, § 5-401
9 ~~§ 5-402~~ OF THE CODE, OR BY THE UNITED STATES GOVERNMENT;

10 (4) A CERTIFIED HERITAGE AREA AS DEFINED IN §§ 13-1101 AND 13-1111
11 OF THE FINANCIAL INSTITUTIONS ARTICLE THAT IS LOCATED WITHIN A LOCALLY
12 DESIGNATED GROWTH AREA;

13 (5) THOSE AREAS OF THE STATE LOCATED BETWEEN INTERSTATE
14 HIGHWAY 495 AND THE DISTRICT OF COLUMBIA;

15 (6) THOSE AREAS OF THE STATE LOCATED BETWEEN INTERSTATE
16 HIGHWAY 695 AND BALTIMORE CITY; AND

17 (7) ~~AREAS ZONED AS INDUSTRIAL OR THE EQUIVALENT WHICH ARE~~
18 ~~SERVED BY PUBLIC OR COMMUNITY WATER AND SEWER SYSTEMS; AND~~

19 (8) ~~AN AREA WITHIN A LOCALLY DESIGNATED GROWTH THAT MEETS~~
20 ~~THE FOLLOWING CRITERIA:~~

21 (I) 1. THE AREA IS SERVED BY PUBLIC OR COMMUNITY WATER
22 ~~AND SEWER SERVICE; AND~~

23 2. IN ANY PART OF THE AREA SERVED BY PUBLIC OR
24 ~~COMMUNITY WATER AND SEWER SERVICE THAT IS DESIGNATED BY THE LOCAL~~
25 ~~GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT;~~

26 A. THERE IS REQUIRED AN AVERAGE DENSITY OF 2.0 UNITS
27 ~~PER ACRE; OR~~

28 B. THERE IS IN PRACTICE AN AVERAGE DENSITY OF 2.0
29 ~~UNITS PER ACRE; OR~~

30 (II) 1. THE AREA IS PLANNED TO BE SERVED BY PUBLIC OR
31 ~~COMMUNITY WATER AND SEWER SERVICE WITHIN 6 YEARS UNDER THE ADOPTED~~
32 ~~CAPITAL IMPROVEMENT PLAN OF THE LOCAL JURISDICTION AND THE APPROVED~~
33 ~~WATER AND SEWER PLAN IN WHICH THE AREA IS LOCATED; AND~~

34 2. IN ANY PART OF THE AREA PLANNED TO BE SERVED BY
35 ~~PUBLIC OR COMMUNITY WATER AND SEWER SERVICE THAT IS DESIGNATED BY THE~~
36 ~~LOCAL GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT;~~

37 A. THERE IS REQUIRED AN AVERAGE DENSITY OF 3.5 UNITS
38 ~~PER ACRE; OR~~

1 B. THERE IS IN PRACTICE AN AVERAGE DENSITY OF 3.5
2 UNITS PER ACRE.

3 (7) AN AREA DESIGNATED BY THE GOVERNING BODY OF A COUNTY
4 UNDER § 5-7B-03 OF THIS SUBTITLE.

5 5-7B-03.

6 (A) THE GOVERNING BODY OF A COUNTY MAY DESIGNATE ADDITIONAL
7 PRIORITY FUNDING AREAS AS PROVIDED IN THIS SECTION.

8 (B) (1) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED BY JANUARY 1, 1997
9 PRINCIPALLY FOR INDUSTRIAL USE MAY BE DESIGNATED AS A PRIORITY FUNDING AREA.

10 (2) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED AFTER JANUARY 1,
11 1997, AS INDUSTRIAL MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF THE AREA IS
12 SERVED BY A PUBLIC OR COMMUNITY SEWER SYSTEM.

13 (B) (C) (1) AN AREA ZONED AS OF JANUARY 1, 1997 AS INDUSTRIAL, OR
14 WHERE THE PRINCIPAL USES OF THE AREA ARE FOR EMPLOYMENT; MAY BE
15 DESIGNATED AS A PRIORITY FUNDING AREA PROVIDED THAT IF:

16 (I) THE AREA IS SERVED BY PUBLIC OR COMMUNITY SEWER
17 SYSTEMS; OR

18 (II) PUBLIC OR COMMUNITY SEWER SYSTEMS ARE PLANNED IN
19 THE APPROVED 10-YEAR WATER AND SEWER PLAN.

20 (2) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED AFTER JANUARY 1,
21 1997 AS INDUSTRIAL, OR WHERE THE PRINCIPAL USES ARE FOR EMPLOYMENT
22 SHALL, IN ADDITION TO MEETING THE CRITERIA SET FORTH IN PARAGRAPH (1) OF
23 THIS SUBSECTION, SHALL BE LOCATED WITHIN THE A LOCALLY DESIGNATED
24 GROWTH AREA OF THE COUNTY.

25 (C) (D) (1) A COMMUNITY IN EXISTENCE PRIOR TO JANUARY 1, 1997 THAT
26 IS WITHIN A LOCALLY DESIGNATED GROWTH AREA MAY BE DESIGNATED AS A
27 PRIORITY FUNDING AREA PROVIDED IF THE COMMUNITY, AS OF OCTOBER 1, 1998:

28 (1) (I) IS SERVED BY COMMUNITY OR PUBLIC SEWER SERVICE; A
29 PUBLIC OR COMMUNITY SEWER SYSTEM AND

30 (2) IN THAT PART OF THE COMMUNITY DESIGNATED BY THE LOCAL
31 GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:

32 (I) 1. THERE IS AN AVERAGE DENSITY OF AT LEAST 2.0 UNITS
33 PER ACRE; OR

34 (II) 2. IF A PORTION OF THE COMMUNITY IS UNDEVELOPED,
35 THE PERMITTED AVERAGE DENSITY IS NOT LESS THAN 2.0 UNITS PER ACRE; OR

36 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IS
37 SERVED BY A PUBLIC OR COMMUNITY WATER SYSTEM AND IN THAT PART OF THE
38 COMMUNITY DESIGNATED BY THE LOCAL GOVERNMENT FOR RESIDENTIAL USE OR
39 DEVELOPMENT THERE IS AN AVERAGE DENSITY OF AT LEAST 2.0 UNITS PER ACRE.

1 (2) (1) THE PROVISIONS OF PARAGRAPH (1)(II) OF THIS SUBSECTION DO NOT
2 APPLY TO MOBILE HOME PARKS OR COMMUNITIES WITH LESS THAN 10 UNITS.

3 (II) FUNDING FOR A GROWTH-RELATED PROJECT UNDER PARAGRAPH
4 (1)(II) OF THIS SUBSECTION IS TO BE PROVIDED ONLY IF THE PROJECT SERVES TO
5 MAINTAIN THE CHARACTER OF THE COMMUNITY AND DOES NOT SERVE TO INCREASE
6 THE GROWTH CAPACITY OF THE COMMUNITY EXCEPT FOR LIMITED PERIPHERAL OR
7 IN-FILL DEVELOPMENT.

8 (3) (1) IF AN EXISTING COMMUNITY RECEIVES A PUBLIC OR COMMUNITY
9 SEWER SYSTEM, AN AREA BEYOND THE PERIPHERY OF THE DEVELOPED PORTION OF
10 THE EXISTING COMMUNITY MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF THE
11 DEVELOPMENT OF THE AREA BEYOND THE PERIPHERY:

12 1. HAS A PERMITTED AVERAGE DENSITY OF AT LEAST 3.5 UNITS
13 PER ACRE; AND

14 2. THE AREA IS SERVED BY A PUBLIC OR COMMUNITY SEWER
15 SYSTEM.

16 (II) THE DEPARTMENT OF THE ENVIRONMENT MAY PROVIDE
17 FUNDING FOR A SEWER SYSTEM IN AN EXISTING COMMUNITY BEYOND THE PERIPHERY
18 OF THE DEVELOPED PORTION OF THE COMMUNITY IF THE EXPANSION HAS A
19 PERMITTED AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE.

20 ~~(D)~~ (E) AN AREA, OTHER THAN AN EXISTING COMMUNITY UNDER
21 SUBSECTION (C) (D) OF THIS SECTION, MAY BE DESIGNATED AS A PRIORITY
22 FUNDING AREA IF:

23 (1) THE AREA:

24 ~~(1)~~ (1) IS WITHIN A LOCALLY DESIGNATED GROWTH AREA OF THE
25 COUNTY; AND

26 (2) (II) IS PLANNED TO BE SERVED UNDER THE APPROVED 10-YEAR
27 WATER AND SEWER PLAN;

28 ~~(3)~~ (2) THE DESIGNATION REPRESENTS A LONG-TERM DEVELOPMENT
29 POLICY FOR PROMOTING AN ORDERLY EXPANSION OF GROWTH AND AN EFFICIENT
30 USE OF LAND AND PUBLIC SERVICES; AND

31 ~~(4)~~ (3) IN THAT PART OF THE AREA DESIGNATED BY THE LOCAL
32 GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT, THERE IS PERMITTED AN
33 AVERAGE DENSITY OF NOT LESS THAN 3.5 UNITS PER ACRE.

34 ~~(E)~~ (F) (1) A RURAL VILLAGE MAY BE DESIGNATED AS A PRIORITY
35 FUNDING AREA UNDER THIS SECTION IF:

36 ~~(1)~~ (1) THE VILLAGE IS DESIGNATED IN THE COUNTY
37 COMPREHENSIVE PLAN AS OF JULY 1, 1998; AND

1 ~~(2)~~ ~~(II)~~ THE BOUNDARY OF THE PRIORITY FUNDING AREA SHALL BE
2 IS THE PERIPHERY OF THE DEVELOPED PORTION OF THE VILLAGE AS OF JULY 1,
3 1998; AND.

4 ~~(3)~~ ~~(2)~~ FUNDING FOR A GROWTH-RELATED PROJECT UNDER THIS
5 SUBTITLE IS TO BE PROVIDED ONLY IF THE PROJECT SERVES TO MAINTAIN THE
6 CHARACTER OF THE COMMUNITY AND DOES NOT SERVE TO INCREASE THE
7 GROWTH CAPACITY OF THE VILLAGE EXCEPT FOR LIMITED SECONDARY
8 PERIPHERAL OR IN-FILL DEVELOPMENT.

9 ~~(F)~~ ~~(G)~~ THE DESIGNATION BY A COUNTY OF A PRIORITY FUNDING AREA
10 UNDER THIS SECTION SHALL BE BASED ON:

11 ~~(1)~~ AN ANALYSIS OF THE CAPACITY OF LAND AREAS AVAILABLE FOR
12 DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT; AND

13 ~~(2)~~ AN ANALYSIS OF THE LAND AREA NEEDED TO SATISFY DEMAND FOR
14 DEVELOPMENT AT DENSITIES DESIGNED TO ACHIEVE COMPACT DEVELOPMENT
15 CONSISTENT WITH THE MASTER PLAN.

16 ~~(G)~~ ~~(H)~~ FOR THE PURPOSES OF THIS SECTION, AVERAGE DENSITY SHALL BE
17 CALCULATED BASED ON THE TOTAL ACREAGE OF ALL PARCELS IN THE AREA FOR
18 WHICH THE PRINCIPAL PERMITTED USE IS RESIDENTIAL, EXCLUDING LAND:

19 ~~(1)~~ ~~(I)~~ DEDICATED FOR PUBLIC USE BY EASEMENT IN PERPETUITY
20 OR FEE ACQUISITION FOR:

21 ~~(I)~~ CONSERVATION USE, WHICH INCLUDES AREAS SET ASIDE AS A
22 BUFFER AREA ADJOINING A STREAM, WETLAND, OR WATERWAY; OR

23 ~~(II)~~ DEDICATED RECREATIONAL USE;

24 ~~(2)~~ SUBJECT TO AN AGRICULTURAL EASEMENT UNDER § 2-508 OF THE
25 AGRICULTURE ARTICLE;

26 ~~(3)~~ SUBJECT TO AN AGRICULTURAL EASEMENT UNDER A COUNTY
27 AGRICULTURAL LAND PRESERVATION PROGRAM CERTIFIED UNDER § 5-408 OF THE
28 STATE FINANCE AND PROCUREMENT ARTICLE; OR

29 ~~(4)~~ USED FOR CEMETERY PURPOSES;

30 ~~(5)~~ IDENTIFIED BY A LOCAL GOVERNMENT AS:

31 ~~(I)~~ ~~1.~~ STREAMS AND THEIR BUFFERS;

32 ~~2.~~ 100-YEAR FLOOD PLAINS;

33 ~~3.~~ HABITATS OF THREATENED AND ENDANGERED SPECIES;

34 AND

35 ~~4.~~ STEEP SLOPES; AND

36 ~~(II)~~ ON WHICH DEVELOPMENT IS PROHIBITED BY LOCAL LAW OR
37 ORDINANCE; OR

1 (6) IDENTIFIED BY A LOCAL GOVERNMENT AS DELINEATED NONTIDAL
2 WETLANDS ON WHICH DEVELOPMENT IS PROHIBITED BY STATE OR LOCAL LAW OR
3 ORDINANCE.

4 5-7B-03: 5-7B-04.

5 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW THAT MAY BE
6 INCONSISTENT WITH THIS SUBTITLE, AND

7 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING
8 OCTOBER 1, 1998, THE STATE MAY NOT PROVIDE FUNDING FOR A
9 GROWTH-RELATED PROJECT IF THE PROJECT IS NOT LOCATED WITHIN A STATE
10 PRIORITY FUNDING AREA.

11 (B) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE AN ENTITLEMENT
12 TO, OR OTHERWISE REQUIRE, FUNDING OF A GROWTH-RELATED PROJECT
13 PROPOSED IN A PRIORITY FUNDING AREA.

14 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN A
15 PRIORITY FUNDING AREA ESTABLISHED UNDER § 5-7B-03 OF THIS SUBTITLE IN
16 WHICH SEWER SERVICE IS PLANNED, A COMMITMENT FOR FUNDING FOR A
17 GROWTH-RELATED PROJECT SHALL BE CONTINGENT UPON PLANNED SEWER
18 SERVICE MOVING FORWARD IN ADVANCE OF OR CONCURRENT WITH THE STATE
19 FUNDING.

20 (2) (B) IN A PRIORITY FUNDING AREA ESTABLISHED UNDER §
21 5-7B-03(D) § 5-7B-03(C) OR (E) OF THIS SUBTITLE IN WHICH WATER AND SEWER
22 SERVICE IS PLANNED, A COMMITMENT FOR FUNDING FOR A GROWTH-RELATED
23 PROJECT SHALL BE CONTINGENT UPON NONSTATE FUNDING FOR PLANNED WATER
24 AND SEWER SERVICE MOVING FORWARD IN ADVANCE OF OR CONCURRENT WITH
25 THE STATE FUNDING.

26 (D) (C) (1) A GROWTH-RELATED PROJECT MAY NOT BE FUNDED BY THE
27 STATE IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY UNLESS
28 THE MUNICIPAL CORPORATION HAS FIRST ADOPTED RESIDENTIAL DEVELOPMENT
29 STANDARDS RELATING TO PUBLIC SCHOOL ADEQUACY. THESE STANDARDS SHALL
30 BE SUBSTANTIALLY SIMILAR TO:

31 (I) THE STATE RATED CAPACITY STANDARDS ESTABLISHED BY
32 THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION; OR

33 (II) THE SCHOOL CAPACITY STANDARDS ESTABLISHED IN A ITS
34 COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE.

35 (2) THE REQUIREMENT CONTAINED IN PARAGRAPH (1) OF THIS
36 SUBSECTION DOES NOT APPLY:

37 (I) IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY
38 LOCATED IN A COUNTY IN WHICH NO ADEQUATE SCHOOL CAPACITY STANDARDS HAVE
39 BEEN ESTABLISHED BY THE COUNTY GOVERNING BODY; OR

40 (II) TO A RESIDENTIAL DEVELOPMENT PROJECT WHERE AN
41 IMPACT FEE HAS BEEN PAID OR OTHER MONETARY OR NONMONETARY

1 CONTRIBUTIONS HAVE BEEN PROVIDED THAT DEFRAID THE FULL LOCAL COST OF
2 SCHOOL CONSTRUCTION TO HELP OFFSET THE COSTS OF SCHOOL CONSTRUCTION
3 PROJECTS ATTRIBUTABLE TO THE PROJECT.

4 (3) AFTER OCTOBER 1, 1997, PRIOR TO ESTABLISHING OR CHANGING THE
5 SCHOOL CAPACITY STANDARDS IN A COUNTY'S ADEQUATE PUBLIC FACILITIES
6 ORDINANCE, THE COUNTY SHALL CONFER WITH THE GOVERNING BODIES OF THE
7 MUNICIPAL CORPORATIONS THAT EXERCISE ZONING AUTHORITY LOCATED WITHIN THE
8 COUNTY.

9 (3) (4) FOR PLANNING PURPOSES, EACH COUNTY BOARD OF
10 EDUCATION SHALL ANNUALLY PROVIDE TO THE COUNTY AND EACH MUNICIPAL
11 CORPORATION EXERCISING ZONING AUTHORITY IN THE COUNTY:

12 (I) A LIST OF PROJECTED STUDENT ENROLLMENTS FOR A 5-YEAR
13 PERIOD FOR EACH SCHOOL SERVING STUDENTS IN OR NEAR THAT MUNICIPAL
14 CORPORATION; AND

15 (II) INFORMATION RELATING TO THE STUDENT CAPACITY OF
16 EACH SCHOOL AND ANY PROPOSED PLANS RELATING TO SCHOOL REDISTRICTING
17 IN THE COUNTY.

18 5-7B-04: 5-7B-05.

19 (A) (1) THE STATE MAY PROVIDE FUNDING FOR A PROJECT A
20 GROWTH-RELATED PROJECT NOT IN A STATE PRIORITY FUNDING AREA IF:

21 (I) THE BOARD OF PUBLIC WORKS DETERMINES THAT
22 EXTRAORDINARY CIRCUMSTANCES EXIST WHICH WARRANT PROCEEDING WITH
23 THE PROJECT AND THAT NO REASONABLY FEASIBLE ALTERNATIVE EXISTS IN
24 ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION;
25 OR

26 (II) THE BOARD OF PUBLIC WORKS APPROVES THE PROJECT AS A
27 TRANSPORTATION PROJECT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (3)
28 OF THIS SUBSECTION.

29 (2) IN ORDER TO DETERMINE THAT EXTRAORDINARY
30 CIRCUMSTANCES EXIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD
31 SHALL DETERMINE BY A MAJORITY VOTE THAT:

32 (I) THE FAILURE TO FUND THE PROJECT IN QUESTION CREATES
33 AN EXTREME INEQUITY, HARDSHIP, OR DISADVANTAGE THAT CLEARLY
34 OUTWEIGHS THE BENEFITS FROM LOCATING A PROJECT IN A PRIORITY FUNDING
35 AREA; AND

36 (II) THERE IS NO REASONABLE ALTERNATIVE FOR THE PROJECT
37 IN A PRIORITY FUNDING AREA IN ANOTHER LOCATION WITHIN THE STATE COUNTY
38 OR AN ADJACENT COUNTY.

39 (3) THE BOARD OF PUBLIC WORKS MAY APPROVE A TRANSPORTATION
40 PROJECT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF THE TRANSPORTATION
41 PROJECT:

1 (I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM,
2 PROVIDED IF THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF
3 PLANNING DETERMINE THE PROJECT DOES NOT SERVE TO SIGNIFICANTLY
4 INCREASE HIGHWAY CAPACITY;

5 (II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS,
6 PROVIDED THAT IF:

7 1. THE DEPARTMENT OF TRANSPORTATION AND THE
8 OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL OR OTHER
9 MEASURES ARE IN PLACE TO:

10 A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH §
11 5-7A-01(1), (2), AND (3) OF THIS TITLE; AND

12 B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE
13 CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS
14 FROM MAIN STREET BUSINESS AREAS; AND

15 2. THE DEPARTMENT OF TRANSPORTATION AND THE
16 OFFICE OF PLANNING HAVE FIRST DETERMINED WHETHER ALTERNATIVE
17 TRANSPORTATION MODES, SUCH AS MASS TRANSIT AND TRANSPORTATION
18 DEMAND MANAGEMENT, PROVIDE A REASONABLE ALTERNATIVE TO THE PROJECT
19 AND DETERMINED THAT NO REASONABLE ALTERNATIVE EXISTS;

20 (III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS
21 BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY
22 CORRIDOR; OR

23 (IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS,
24 MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT.

25 (B) (1) A REQUEST FOR APPROVAL BY THE BOARD UNDER SUBSECTION (A)
26 OF THIS SECTION MAY BE MADE AT THE REQUEST OF THE GOVERNING BODY OR
27 CHIEF EXECUTIVE OF THE LOCAL JURISDICTION IN WHICH THE PROJECT IS
28 LOCATED OR AND OR THE SECRETARY WITH APPROVAL AUTHORITY OVER THE
29 PROJECT.

30 (2) WHEN MAKING A REQUEST TO THE BOARD OF PUBLIC WORKS, THE
31 APPLICANT SHALL:

32 (I) IDENTIFY THE EXTRAORDINARY CIRCUMSTANCES THAT
33 REQUIRE STATE FUNDS FOR THE PROJECT; AND

34 (II) DEMONSTRATE THAT NO FEASIBLE ALTERNATIVES EXIST TO
35 MAKING AN EXCEPTION TO THE REQUIREMENTS OF THIS SUBTITLE.

36 (3) THE BOARD OF PUBLIC WORKS, AT ITS DISCRETION, MAY REQUIRE
37 REMEDIAL ACTIONS TO MITIGATE ANY NEGATIVE IMPACTS OF THE PROPOSED
38 PROJECT.

39 (C) (1) WHEN A REQUEST IS MADE TO THE BOARD OF PUBLIC WORKS FOR
40 AN EXCEPTION UNDER THIS SECTION, THE BOARD OF PUBLIC WORKS MAY REQUEST

1 FROM THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING
2 COMMISSION AN ADVISORY OPINION ON THE REQUEST FOR THE EXCEPTION.

3 (2) UPON RECEIVING A REQUEST FOR AN ADVISORY OPINION UNDER
4 THIS SUBSECTION, THE COMMISSION MAY, IN ITS DISCRETION, IF REQUESTED BY A
5 MEMBER OF THE PUBLIC, SHALL HOLD A PUBLIC MEETING TO GATHER
6 INFORMATION RELEVANT TO THE ADVISORY OPINION.

7 ~~5-7B-05; 5-7B-06.~~

8 (A) THE STATE MAY PROVIDE FUNDING FOR A GROWTH-RELATED PROJECT
9 NOT IN A STATE PRIORITY FUNDING AREA WITHOUT RECEIVING APPROVAL FROM
10 THE BOARD OF PUBLIC WORKS AS PROVIDED UNDER § 5-7B-04 5-7B-05 OF THIS
11 SUBTITLE FOR:

12 (i) A TRANSPORTATION PROJECT THAT:

13 (I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM;
14 ~~PROVIDED THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING~~
15 ~~DETERMINE THE PROJECT DOES NOT SERVE TO INCREASE HIGHWAY CAPACITY;~~

16 (II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS;
17 ~~PROVIDED THAT:~~

18 1. THE DEPARTMENT OF TRANSPORTATION AND THE
19 ~~OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL MEASURES~~
20 ~~ARE IN PLACE TO:~~

21 A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH §
22 ~~5-7A-01(1), (2), AND (3) OF THIS TITLE; AND~~

23 B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE
24 ~~CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS~~
25 ~~FROM MAIN STREET BUSINESS AREAS; AND~~

26 2. THE DEPARTMENT OF TRANSPORTATION IN
27 ~~CONSULTATION WITH THE OFFICE OF PLANNING HAS FIRST CONSIDERED WHETHER~~
28 ~~ALTERNATIVE TRANSPORTATION MODES SUCH AS MASS TRANSIT PROVIDE A~~
29 ~~REASONABLE ALTERNATIVE TO THE PROJECT AND DETERMINED THAT NO SUCH~~
30 ~~REASONABLE ALTERNATIVE EXISTS;~~

31 (III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS
32 ~~BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY~~
33 ~~CORRIDOR; OR~~

34 (IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS;
35 ~~MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT;~~

36 (2) (1) A PROJECT THAT IS REQUIRED TO PROTECT PUBLIC HEALTH
37 OR SAFETY; OR

38 (3) (2) A PROJECT INVOLVING FEDERAL FUNDS, TO THE EXTENT
39 COMPLIANCE WITH THIS SUBTITLE WOULD CONFLICT OR BE INCONSISTENT WITH
40 FEDERAL LAW; OR

1 (3) ~~A GROWTH-RELATED PROJECT FOR A NATURAL RESOURCE BASED~~
2 ~~INDUSTRY OR TOURISM-RELATED INDUSTRY RELATED TO A COMMERCIAL OR~~
3 ~~INDUSTRIAL ACTIVITY WHICH, DUE TO ITS OPERATIONAL OR PHYSICAL~~
4 ~~CHARACTERISTICS, SHALL BE LOCATED AWAY FROM OTHER DEVELOPMENT.~~
5 ~~INCLUDING:~~

6 (I) ~~A NATURAL RESOURCE BASED INDUSTRY;~~

7 (II) ~~AN INDUSTRY RELATING TO:~~

8 1. ~~AGRICULTURAL OPERATIONS, AS DEFINED IN § 7-101 OF THE~~
9 ~~LABOR AND EMPLOYMENT ARTICLE;~~

10 2. ~~FORESTRY ACTIVITIES; OR~~

11 3. ~~MINERAL EXTRACTION;~~

12 (III) ~~AN INDUSTRY THAT IS PROXIMATE TO:~~

13 1. ~~AN AIRPORT FACILITY;~~

14 2. ~~A PORT FACILITY;~~

15 3. ~~A RAILROAD FACILITY;~~

16 4. ~~A TRANSIT FACILITY; OR~~

17 5. ~~A MAJOR HIGHWAY INTERCHANGE; OR~~

18 (IV) ~~A TOURISM FACILITY OR MUSEUM THAT IS REQUIRED TO BE~~
19 ~~LOCATED AWAY FROM OTHER DEVELOPMENT DUE TO NECESSARY PROXIMITY TO~~
20 ~~SPECIFIC HISTORIC, NATURAL, OR CULTURAL RESOURCES.~~

21 (B) ~~A PROCEDURE FOR NOTIFICATION, REVIEW, AND COMMENT ON~~
22 ~~EXCEPTIONS PROPOSED UNDER THIS SECTION SHALL BE ESTABLISHED JOINTLY BY~~
23 ~~THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING.~~

24 5-7B-06: 5-7B-07.

25 (A) ~~IT SHALL BE THE POLICY OF THE STATE THAT THE EMPHASIS OF~~
26 ~~FUNDING FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS SHALL BE TO TARGET~~
27 ~~THE REHABILITATION OF EXISTING SCHOOLS TO ENSURE THAT FACILITIES IN~~
28 ~~ESTABLISHED NEIGHBORHOODS ARE OF EQUAL QUALITY TO NEW SCHOOLS.~~

29 (B) ~~THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE PROVISION OF~~
30 ~~SCHOOL CONSTRUCTION FUNDING OUTSIDE A PRIORITY FUNDING AREA.~~

31 (C) ~~THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL~~
32 ~~CONSTRUCTION SHALL CONTINUE TO REVIEW AND MAKE RECOMMENDATIONS ON~~
33 ~~SCHOOL FUNDING PROJECTS TO THE BOARD OF PUBLIC WORKS.~~

34 (D) ~~A MUNICIPAL CORPORATION MAY MAKE AN APPEAL TO THE PUBLIC~~
35 ~~SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION OR THE BOARD OF~~
36 ~~PUBLIC WORKS TO HAVE STATE FUNDING ACCELERATED FOR A SCHOOL~~

1 CONSTRUCTION PROJECT THAT WOULD BENEFIT THE RESIDENTS OF THE
2 MUNICIPAL CORPORATION.

3 (A) THE OFFICE OF PLANNING SHALL:

4 (1) BY REGULATION AND IN CONSULTATION WITH THE STATE
5 ECONOMIC GROWTH, RESOURCE PROTECTION, AND POLICY COMMISSION,
6 ESTABLISH A COLLABORATIVE PROCESS WITH LOCAL JURISDICTIONS FOR THE
7 DEVELOPMENT, AND PERIODIC UPDATING, OF MAPS AND DESCRIPTIONS OF STATE
8 PRIORITY FUNDING AREAS;

9 (2) IN THE CASE OF A DISPUTE, DETERMINE THE LOCATION OF A STATE
10 PRIORITY FUNDING AREA;

11 (3) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE
12 APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE
13 WITH THIS SUBTITLE; AND

14 (4) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE
15 GOVERNMENT, AS APPROPRIATE, AS WELL AS LOCAL GOVERNMENTS, THE
16 LOCATION OF STATE PRIORITY FUNDING AREAS.

17 (B) THE COLLABORATIVE PROCESS DESCRIBED IN SUBSECTION (A) OF THIS
18 SECTION SHALL ENSURE THAT EACH COUNTY AND MUNICIPALITY HAS THE
19 OPPORTUNITY TO SUBMIT A MAP AND DESCRIPTION OF THE JURISDICTION'S
20 PRIORITY FUNDING AREAS, WHICH SHALL BE CONSISTENT WITH THE LOCAL
21 COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-02 OF THIS
22 SUBTITLE.

23 5-7B-08.

24 (A) TO BE ELIGIBLE FOR FUNDING FOR GROWTH-RELATED PROJECTS, A
25 LOCAL GOVERNMENT SHALL CERTIFY TO THE OFFICE OF PLANNING ANY AREAS
26 AREA DESIGNATED BY THE LOCAL GOVERNMENT AS A PRIORITY FUNDING AREA
27 UNDER § 5-7B-03 OF THIS SUBTITLE, WHICH SHALL BE CONSISTENT WITH THE LOCAL
28 COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-03 OF THIS
29 SUBTITLE.

30 (B) PRIOR TO CERTIFICATION OF A PRIORITY FUNDING AREA OR AREAS, THE
31 LOCAL GOVERNMENT MAY SUBMIT THE PROPOSED PRIORITY FUNDING AREAS AND
32 ANY RELEVANT INFORMATION TO THE OFFICE OF PLANNING FOR:

33 (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

34 (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

35 (C) UPON CERTIFICATION OF A PRIORITY FUNDING AREA, THE LOCAL
36 GOVERNMENT SHALL PROVIDE TO THE OFFICE OF PLANNING ALL INFORMATION
37 NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE AREA, INCLUDING
38 A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS, AND
39 EXISTING AND PLANNED WATER AND SEWER SERVICES AS APPROPRIATE.

1 ~~(D)~~ UPON RECEIPT OF CERTIFICATION FOR A PRIORITY FUNDING AREA
2 UNDER SUBSECTION (A) OF THIS SECTION, THE OFFICE OF PLANNING SHALL REVIEW
3 AND COMMENT ON THE CERTIFIED PRIORITY FUNDING AREA FOR CONSISTENCY
4 WITH THE REQUIREMENTS OF THIS SUBTITLE.

5 ~~(E)~~ (D) THE OFFICE OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO
6 EACH STATE AGENCY THAT FUNDS GROWTH-RELATED PROJECTS COPIES OF MAPS
7 ILLUSTRATING:

8 (1) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL
9 GOVERNMENT; AND

10 (2) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS
11 CERTIFIED.

12 ~~(F)~~ (E) PRIOR TO FUNDING A GROWTH-RELATED PROJECT, THE STATE
13 FUNDING AGENCY SHALL:

14 (1) OBTAIN FROM THE AFFECTED LOCAL GOVERNMENT A WRITTEN
15 STATEMENT THAT THE PROPOSED GROWTH-RELATED PROJECT IS LOCATED
16 WITHIN A CERTIFIED PRIORITY FUNDING AREA; AND

17 (2) ASSURE THAT THE DECISION TO FUND THE PROJECT IS CONSISTENT
18 WITH THE COMMENTS MADE BY THE OFFICE OF PLANNING ON THE CERTIFIED
19 PRIORITY FUNDING AREA IN WHICH THE PROJECT IS LOCATED.

20 5-7B-07: 5-7B-09.

21 (A) THE OFFICE OF PLANNING SHALL:

22 (1) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE
23 APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE
24 WITH THIS SUBTITLE;

25 (2) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE
26 GOVERNMENT THE LOCATION OF STATE PRIORITY FUNDING AREAS; AND

27 (3) MAKE AVAILABLE TO EACH COUNTY, AND TO THE PUBLIC FOR
28 REVIEW, COPIES OF MAPS ILLUSTRATING:

29 (I) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL
30 GOVERNMENTS; AND

31 (II) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS
32 CERTIFIED.

33 (B) BY OCTOBER 1, 1998, THE OFFICE OF PLANNING SHALL COMPLETE A
34 SURVEY SURVEYS OF MUNICIPAL, COUNTY, AND STATE GOVERNMENTS, THE
35 WASHINGTON SUBURBAN SANITARY COMMISSION, AND THE MARYLAND-NATIONAL
36 CAPITAL PARK AND PLANNING COMMISSION FOR INFRASTRUCTURE NEEDS AND
37 SHALL MAINTAIN A LIST OF NEEDED PROJECTS THAT INCLUDES INFORMATION
38 RELATING TO THE FINANCIAL CAPACITY OF THE AFFECTED UNIT OF GOVERNMENT TO
39 UNDERTAKE SUCH PROJECTS.

1 (C) A COPY OF THIS LIST OF PROJECTS SHALL BE MADE AVAILABLE UPON
2 REQUEST TO MEMBERS OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT OFFICIALS,
3 AND THE GENERAL PUBLIC.

4 ~~(C)~~ (D) EACH STATE AGENCY SUBJECT TO THIS SUBTITLE SHALL REPORT
5 ANNUALLY TO THE OFFICE OF PLANNING ON THE IMPLEMENTATION OF THIS
6 SUBTITLE IN A FORM APPROVED BY THE OFFICE OF PLANNING.

7 5-7B-08: 5-7B-10.

8 (A) THIS SECTION MAY NOT BE CONSTRUED TO CREATE A PRIVATE CAUSE OF
9 ACTION FOR ANY PERSON OR LOCAL GOVERNMENT.

10 (B) A DECISION TO FUND A PROJECT OR NOT TO FUND A PROJECT AS
11 REQUIRED UNDER THIS SUBTITLE SHALL NOT BE SUBJECT TO TITLE 10, SUBTITLE 2
12 (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES) OF THE STATE
13 GOVERNMENT ARTICLE.

14 (C) THIS SUBTITLE MAY NOT BE CONSTRUED TO PREVENT AN AGENCY FROM
15 PROVIDING TECHNICAL ASSISTANCE IN AN AREA THAT IS NOT A PRIORITY FUNDING
16 AREA.

17 7-314.

18 (O) IN THE CASE OF AN ECONOMIC DEVELOPMENT OPPORTUNITY LOCATED
19 OUTSIDE A PRIORITY FUNDING AREA AS ESTABLISHED UNDER TITLE 5, SUBTITLE 7B
20 OF THIS ARTICLE, THE DEPARTMENT SHALL FIRST COMPLY WITH THE PROVISIONS
21 OF THAT SUBTITLE BEFORE MAKING A REQUEST FOR APPROVAL BY THE
22 LEGISLATIVE POLICY COMMITTEE UNDER THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That no provision of this Act
24 shall apply to any project or program for which approval has been granted or a
25 commitment made before October 1, 1998, or for which a valid permit or State
26 commitment for a grant, loan, loan guarantee, or insurance for a capital project, or for
27 which final review under the National Environmental Policy Act or the Maryland
28 Environmental Policy Act is completed by October 1, 1998, or for which final review
29 through the State Clearinghouse for Intergovernmental Assistance is completed by
30 January 1, 1999.

31 SECTION 2. AND BE IT FURTHER ENACTED, That no provision of this Act shall
32 apply to any project or program for which:

33 (a) Approval has been granted or a commitment made before October 1, 1998;

34 (b) A valid permit has been issued;

35 (c) A commitment for a grant, loan, loan guarantee, or insurance for a capital project
36 has been granted;

37 (d) Final review under the National Environmental Policy Act or the Maryland
38 Environmental Policy Act is completed by October 1, 1998; or

39 (e) Final review through the State Clearinghouse for Intergovernmental Assistance is
40 completed by January 1, 1999.

1 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be~~
2 ~~construed to create an entitlement to, or otherwise require, funding of a growth-related project~~
3 ~~proposed in a priority funding area.~~

4 SECTION 3: 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.